



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 29 2014

REPLY TO THE ATTENTION OF:

E-19J

Paul Labovitz
Superintendent
Indiana Dunes National Lakeshore
1100 North Mineral Springs Road
Porter, Indiana 46304

Re: Final Environmental Impact Statement for the Shoreline Restoration and Management Plan: Indiana Dunes National Lakeshore – Lake, Porter, and LaPorte Counties, Indiana (CEQ# 20140258)

Dear Mr. Labovitz:

The United States Environmental Protection Agency has reviewed the Final Environmental Impact Statement (EIS) provided by the National Park Service (NPS) for the Shoreline Restoration and Management Plan at the Indiana Dunes National Lakeshore. This letter provides our comments on the Final EIS, pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

Because of man-made changes to the shoreline and Lake Michigan's natural east-to-west littoral drift, the shoreline along the Indiana Dunes National Lakeshore (INDU) has changed dramatically. Areas east of Michigan City and the Port of Indiana have experienced accretion of sediment, whereas areas west have become sediment starved. Continued beach erosion has been partially mitigated through ongoing beach nourishment and dredging activities, but no sustainable long-term solution currently exists. Therefore, NPS has determined that a shoreline restoration management plan is necessary to address the issue, and both a Draft and the current Final EIS were prepared to analyze alternatives and impacts expected to result from project implementation.

For the purposes of the plan and EIS documents, the shoreline was divided into four reaches based on sediment erosion and accretion. Reaches 1 and 2 (from Crescent Dune to Willow Lane in Dune Acres) and Reaches 3 and 4 (from Willow Lane to the Gary-U.S. Steel East Breakwater), were studied as two independent sediment transport cells.

The Draft EIS identified *Alternative E (Submerged Cobble Berm and Beach Nourishment, Annual Frequency)* as the Preferred Alternative for Reaches 1 and 2, and identified *Alternative C-5 (Beach Nourishment via Dredged Sources, Five-Year Frequency)* as the Preferred Alternative for Reaches 3 and 4. NPS correspondence to EPA dated September 5, 2014, states that there was extensive public involvement and comment on the Draft EIS Preferred Alternatives, and that the public response was consistently negative towards the submerged

cobble berm associated with Reaches 1 and 2. The criteria critical to selection of Alternative E as the Draft EIS Preferred Alternative for Reaches 1 and 2 focused on restoration of native rocky materials to the shoreline, and not necessarily on the method of placement (i.e., creation of a submerged rock berm). As such, NPS created and studied a new hybrid Alternative, called Alternative F, in the Final EIS. This new alternative incorporates the benefit of placement of hydraulically dredged sand material//beach placement with addition of an upland mined gravel/rock component to be hauled to the beach and incorporated onsite with the hydraulically-dredged sediments. Consequently, new hybrid *Alternative F (Beach Nourishment, Annual Frequency, with a Mix of Small Natural Stone at the Shoreline)* is now the Preferred Alternative in the Final EIS for Reaches 1 and 2.

Public comments received on the Draft EIS were also supporting of beach nourishment for Reaches 3 and 4, but there was negative public response to the Draft EIS Preferred Alternative C-5, which proposed beach nourishment once every five years. In response to comments received during the Draft EIS comment period, NPS has changed the Preferred Alternative for Reaches 3 and 4 to *Alternative C-1 (Beach Nourishment via Dredged Sources, Annual Frequency)*.

EPA provided comments on the Draft EIS to NPS on November 8, 2012. Many of the substantive comments EPA raised in our Draft EIS comment letter, specifically those regarding the proposed cobble berm, have been negated due to the selection of an alternate Preferred Alternative. We recommend that NPS address our remaining concerns and issues as project design, refinement, and environmental permitting progress. EPA's comments on the Final EIS are as follows:

THREATENED AND ENDANGERED SPECIES

- Pages 52-53 of the Final EIS state that “surveys would be conducted for rare, threatened, and endangered species, as warranted;” “work would be conducted outside critical periods (such as nesting) for the specific species when possible. Work in areas in or near suitable threatened and endangered bird habitat would occur as late as possible in the fall/winter;” and that “work would be conducted outside critical periods for the specific species.” These statements are generic in nature, although the Final EIS did state, “Management practices to protect piping plover (*Charadrius melodus*) nesting areas would continue to be implemented, such as closing and fencing off beach areas from visitor use, monitoring the nesting areas throughout the breeding season, and minimizing trash along the beach that attracts piping plover predators. The National Park Service would continue to work cooperatively with the U.S. Fish and Wildlife Service (USFWS) and other agency partners to identify and implement appropriate mitigation measures to protect piping plover nesting areas and critical habitat within the national lakeshore.”

Recommendation: EPA encourages NPS to continue to work with USFWS and the Indiana Department of Natural Resources to ensure that Federally- or state-endangered, threatened, or rare species or their critical habitat are protected during project implementation. EPA requests that restriction dates and specific actions (for each specific threatened/endangered species) be committed to in the Record of Decision (ROD).

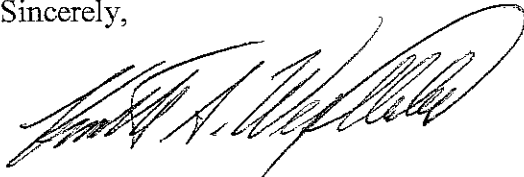
RECORD OF DECISION (ROD)

- Page 51 of the Final EIS states, *"Activities involving dredging or the placement of fill material below the Ordinary High Water Mark of Lake Michigan would comply with requirements of sections 401 and 404 of the Clean Water Act and with other applicable state permit programs (e.g., Great Lakes Submerged Lands Act). Impacts from potential fill or dredge activities would be assessed further and specific mitigation measures would be identified as part of final design."*

Recommendations: EPA recommends that in the ROD, NPS commit to applying for, receiving, and following all applicable required approvals. This will likely include Section 10 of the Rivers and Harbors Act permitting, Clean Water Act Section 404 permitting/Section 401 Water Quality Certification, a sediment/erosion control permit, and a coastal zone consistency determination.

Thank you for the opportunity to review and comment on this Final EIS. Please send a signed copy of the Record of Decision to EPA once it is available. We are available to discuss our comments with you in further detail if requested. If you have any questions or comments regarding the content of this letter, please contact Ms. Liz Pelloso, PWS, of my staff at 312-886-7425 or via email at pelloso.elizabeth@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Enforcement and Compliance Assurance

cc: Nick Chevance, National Park Service
Liz McCloskey, U.S. Fish and Wildlife Service
Andrew Blackburn, U.S. Army Corps of Engineers, Chicago District
Steve Davis, Indiana Department of Natural Resources
Mike Molnar, Indiana Department of Natural Resources
Larissa Muellner, Indiana Department of Natural Resources
James Glass, Indiana Department of Natural Resources (SHPO)
Leanne Whitesell, Indiana Department of Environmental Management
Marty Maupin, Indiana Department of Environmental Management
Nicole Barker, Save the Dunes